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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,957	08/08/2001	Shell S. Simpson	10015146-1	2075

7590 02/17/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ZHOU, TING

ART UNIT PAPER NUMBER

2173

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/923,957

Applicant(s)

SIMPSON ET AL.

Examiner

Ting Zhou

Art Unit

2173

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

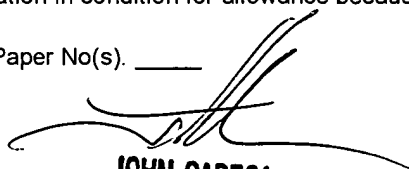
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows: _____
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-12.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY

Continuation Sheet (PTOL-303)

Applicant's arguments filed 12 January 2005 have been fully considered but they are not persuasive. In response to applicant's arguments that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the group composition store is both networked and autonomous) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The applicant assert that the limitation "independent from and not associated with the group composition store" clearly delineate that the group composition store is both networked and autonomous and that Marshall et al. fail to disclose the networked and autonomous nature recited in the claims. The examiner respectfully disagrees with the applicant's contention that the limitation "independent from and not associated with the group composition store" leads to the specific interpretation that the group composition store is both networked and autonomous. The limitations of claims 1 and 7, specifically, the limitation "independent from and is not associated with", as best understood by the examiner, can be interpreted to be that the group composition store, i.e. the memories product generation system can be a stand-alone system, as taught by Marshall et al. in page 2, paragraph 0018 and pages 3-4, paragraphs 0028, 0031-0036. As recited on page 2, paragraph 0018, memories materials includes information from numerous sources including external sources. Therefore, memories information used to create memories products can be obtained from external services not associated with the Hallmark system; in other words, as shown by the separate status of the memories database and the memories product

generation system, memories materials spanning multiple systems and sources can be used to create a memories product for a user.

In addition, the examiner respectfully points out that the applicants fails to address and overcome the 35 U.S.C. 112, second paragraph rejection made by the examiner in the final office action mailed on 24 November 2004. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 7 recite a group composition store that "is not associated with the at least one graphic store" and a plurality of different user profiles that are "not associated with the group composition store", on lines 3-4 and 7-8 of claim 1 and lines 4-5 and 9-10 of claim 7. However, in claims 1 and 7, the limitations "with each different composition referencing at least one graphic in the at least one graphic store" and "each user profile including a reference to the group composition store", on lines 4-5 and 10-11 of claim 1 and lines 5-6 and 11-12 of claim 7, make it indefinite and unclear how the group composition store can be not associated with the graphic store when the compositions within the group composition store references the graphics in the graphics store and similarly how the user profiles can be not associated with the group composition store when the user profiles include a reference to the group composition store. Therefore, the examiner respectfully maintains that Marshall et al. teach the limitations recited in the claim language of the present application and that the request for reconsideration fails to put the application in condition for allowance.